

Application No. 09/682865
Page 10

Response
Attorney Docket No. S63.2B-9720-US01

REMARKS

This communication is in response to the Office Action dated February 23, 2006.

3. 35 USC 102

In the Office Action claims 1-6, 11-12, 14, 22, 25-26 and 64-67 were rejected under 35 USC 102(e) in light of US 6296655 (Gaudoin). The Office Action, referencing Figs. 1-2, 4 and 6-8 of Gaudoin, maintains that reference numeral 25 of Gaudoin refers to inflatable members and that reference numeral 30 refers to the balloon contacting portion of the inflatable members. The rejection to the claims is traversed for at least the reasons presented herein.

Claim 1 and Claims Dependent Therefrom and Independent Claim 5-- Gaudoin Does Not Disclose the Recited Inflatable Members

Claim 1 includes the recitation "each inflatable member having a balloon contacting portion". Contrary to the assertion of the Office Action, this feature is not disclosed in the above-mentioned figures of Gaudoin. Reference number 30 of Gaudoin is directed to the planar surface of shaping tools 27. These tools operate by moving in and out and do not appear to be inflatable. Nor has the Office Action established that they are inflatable. Thus, they are not a part of the identified "inflatable members". As such, the Office Action has not established that the "inflatable members" of Gaudoin have balloon contacting portions. Therefore, claim 1 and claims 2-4, 6 and 11-12 dependent therefrom are patentable over Gaudoin.

Independent claim 5 includes the recitations "each inflatable member having a balloon contacting portion," and "the inflatable members inflatable from a first size to a second size in which the balloon contacting portions apply an inward force to a balloon of a balloon catheter assembly disposed in the channel".

Claim 5 is patentable over Gaudoin for the reasons discussed above with respect to claim 1.

Application No. 09/682865
Page 11

Response
Attorney Docket No. S63.2B-9720-US01

Independent Claim 25 and Claims Dependent Therefrom – Gaudoin Does Not Teach The Use of an Inflatable Member to Deform a Balloon

Claim 25 is directed to a method of configuring at least a portion of a medical balloon. Claim 25 includes the steps of providing a device comprising a plurality of inflatable members defining a channel therebetween...each inflatable member having a balloon contacting portion. The inflatable members are inflatable from a first size to a second size in which the balloon contacting portions apply an inward force to a balloon of a balloon catheter assembly disposed in the channel. The claim also includes the step of disposing a medical balloon between the inflatable members; at least partially inflating the medical balloon; and inflating the inflatable members so that the balloon contacting portions deform portions of the medical balloon inward.

As discussed above, reference number 30 of Gaudoin is directed to the planar surface of shaping tools 27. These tools operate by moving in and out and do not appear to be inflatable. Nor has the Office Action established that they are inflatable. They are, quite simply, not a part of the identified “inflatable members”. Therefore, the Office Action has not established that the above-mentioned steps involving the use of an inflatable member to deform a balloon are met by Gaudoin.

Independent Claim 64 and Claims Dependent Therefrom - Gaudoin Does Not Teach the Presence of Inflatable Members which are Inflatable Inward into the Channel.

Independent claim 64 is directed to a device for configuring an expandable member for use in a bodily vessel. The device comprises a body comprising a plurality of inflatable members defining a channel therebetween. The inflatable members are inflatable inward into the channel so as to reduce in area a cross-section of the channel which extends perpendicular to a longitudinal axis of the channel,

As discussed above, the Office Action has not established that Gaudoin teaches the presence of inflatable members which are inflatable inward into the channel.

Application No. 09/682865
Page 12

Response
Attorney Docket No. S63.2B-9720-US01

Claims 65-67 Dependent From Claim 65 - Gaudoin Does Not Teach the Presence of a Rigid Tube in which the Plurality of Inflatable Members are Constrained

Further as to claim 65-67, dependent from claim 64, the Office Action maintains that Gaudoin discloses a "rigid tube" and points to reference numeral 18 of Gaudoin. Claim 65 requires the presence of a rigid tube in which the plurality of inflatable members are constrained. The balloon of Gaudoin, on the other hand, is disposed about tube 18 of Gaudoin, not within tube 18. The so-called "inflatable members" identified in the Office Action (which, as discussed above, are not disclosed by Gaudoin as being inflatable) are likewise not constrained in tube 18.

For at least the reasons stated above the §102 rejection to the instant claims is respectfully traversed.

4. Allowable Subject Matter

The Office Action objects to claims 7-9 and 28-29 as being dependent on a rejected base claim, but recognizes that the instant claims contain allowable subject matter. Applicant acknowledges the Examiner's recognition of allowable subject matter. In light of the issues presented above however, Applicant believes that the instant claims are in condition for allowance in their present condition.

Application No. 09/682865
Page 13

Response
Attorney Docket No. S63.2B-9720-US01

Conclusion

Based at least on the foregoing remarks, Applicant respectfully submits that this application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-9, 11-12, 14, 22, 25-26, 28-29, and 64-67 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: June 16, 2006

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